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INTERNATIONAL SECRETARIAT
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URGENT ACTION

EXTERNAL (for general distribution)

AI Index: ASA 21/23/92
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Further information on UA 366/92 (ASA 21/17/92, 23 November 1992) - and follow-ups ASA 21/19/92 of 24 November 1992, ASA 21/20/92 of 26 November and ASA 21/21/92 of 30 November - Legal Concern/Fear of Torture and new concern Death in custody

Indonesia/East Timor:	**Xanana Gusmão, 45**
	Rufina Conceiçao Araujo (female), 74
	Augusto Pereira, 43) husband and
	Aliança de Araujo (female), 40) wife
	Ligia de Araujo (female), 22
	Jorge Manuel Araujo Serrano, 21
	Regina Conceiçao Araujo Serrano, (female), 18
	Francisco Almeida Araujo, 17
	Armandina Gusmão dos Santos) relatives of Xanana
	Gilman A. Exposto dos Santos) Gusmão
	Olandina Caeiro Alves (female)
	Oscar Lima
	Americo
and new names	**Joachim Gusmão Reis, 23) relatives of**
	Sandra Gusmão Reis, 21) Xanana Gusmão
	Victor
	Macario
	and at least three others

Xanana Gusmão, the East Timorese resistance leader arrested by Indonesian military forces on 20 November 1992, and at least twenty of his close associates and relatives arrested since then, remain in incommunicado custody in clear violation of international and Indonesian law. At least one of those detained, Jorge Manuel Araujo Serrano, is reported to have been tortured to death in custody, and there are fears that others, including Xanana Gusmão, have also been tortured or ill-treated while under interrogation. According to persistent reports, at least two of the women held in Dili have been raped in custody. Indonesian authorities continue to deny access to the prisoners by the International Committee of the Red Cross (ICRC), independent lawyers or any other impartial body.

Xanana Gusmão, who has been moved repeatedly in the two weeks since his arrest, is now thought to be held in the Regional Police Headquarters for Nusa Tenggara (POLDA NUSRA) in Denpasar, Bali. According to unnamed sources within the police headquarters, he has been beaten and tortured with electrical shocks and subjected to severe psychological pressure while under interrogation. He is said to be in a poor emotional state, speaking in broken sentences and experiencing serious lapses of concentration.

In a video recording, made on 27 November at military headquarters in Bali (KODAM Udayana/IX), and released on 1 December, Xanana Gusmão appears to apologize for organizing the peaceful demonstration of 12 November 1991 during which Indonesian forces killed more than 100 civilians; and calls for an end to armed resistance to Indonesian rule in East Timor. In view of strong indications that the statement was made under duress, and possibly following torture, the video serves to heighten Amnesty International's concern for Xanana Gusmão's safety.

Indonesian military authorities acknowledged on 1 December that they had arrested 20 of Xanana Gusmão's close associates since 20 November. One of them, Jorge Manuel Araujo Serrano, is reported to have died in custody as a result of torture. Another East Timorese man, still unidentified, is said to have been hospitalized after being severely tortured in detention. According to reports, his limbs were broken and his finger and toe-nails pulled out by his captors. There have also been persistent reports

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Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience.* It works for *fair and prompt trials* for *all political prisoners* and works on behalf of such people detained without charge or trial. It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners.*

that at least two of the women held in Dili - possibly Ligia de Araujo, aged 22, and Regina Conceiçao Araujo Serrano, aged 18 - were raped by Indonesian soldiers, in front of their relatives, on 29 November.

The reports of torture and rape cannot be immediately confirmed because all the detainees remain in incommunicado custody. However, Amnesty International believes that in view of the long-standing pattern of torture and ill-treatment of political detainees in East Timor, these reports must be treated with the utmost seriousness. The only effective guarantee of the future safety of Xanana Gusmão, and of all those currently held incommunicado, would be to grant immediate and unconditional access to them by the ICRC, lawyers of their own choosing, or other qualified, independent experts.

On 3 December Indonesian military authorities gave assurances that the ICRC would be granted access to Xanana "within a week". Such assurances are insufficient because the promise of future access can do nothing to remedy violations already inflicted. Under Indonesian and international law prisoners may not be held incommunicado, and have a right to independent legal counsel of their own choice. In Amnesty International's experience the risk of the torture and ill-treatment of political detainees is greatest during the initial period of interrogation.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English or your own language:
- expressing grave concern that Xanana Gusmão and some 20 of his close associates and relatives remain in incommunicado detention, and that some have been subjected to torture and ill-treatment;
- calling on the authorities to permit ICRC representatives, relatives and independent lawyers immediate access to all the detainees;
- in the light of reports that one detainee, Jorge Manuel Araujo Serrano, may have died as a result of torture, and that two women may have been raped by Indonesian soldiers in front of their relatives, calling on the government to act immediately to protect the safety of all political detainees in East Timor;
- seeking clarification of the precise charges to be brought against Xanana Gusmão, and the other political detainees, and urging the government to immediately release all those detained for their peaceful political views, or for association with Xanana's family.

APPEALS TO:

1. Brig Gen Theo Syafei
PANGKOLAKOPS
Markas Besar KOLAKOPS/KOREM 164
Dili, East Timor
Indonesia
Telegrams Brig Gen Syafei, Dili, East Timor, Indonesia

Salutation: Dear Brig Gen Syafei

2. Maj Gen (Pol) Hindarto
KAPOLDA NUSRA
Denpasar, Bali
Indonesia
Telegrams: Maj Gen Hindarto, KAPOLDA NUSRA, Denpasar, Bali, Indonesia

Salutation: Dear Maj Gen (Pol) Hindarto

3. Maj Gen Suwardi
Markas Besar, KODAM IX/Udayana
Denpasar, Bali, Indonesia
Telegrams: Maj Gen Suwardi, Kodam IX, Denpasar, Bali, Indonesia

Salutation: Dear Maj Gen Suwardi

4. General Try Sutrisno
Commander of the Armed Forces
Markas Besar ABRI
Cilangkap, East Jakarta, Indonesia
Telegrams: Gen Try Sutrisno, Markas Besar ABRI, Jakarta, Indonesia
Faxes: + 62 21 36 1471
+ 62 21 37 8144
+ 62 21 35 6404

Salutation: Dear General Sutrisno

COPIES OF YOUR APPEALS TO:
Indonesian Legal Aid Foundation (LBH)
Jl. Diponegoro 74
Jakarta 10320
Indonesia

and to diplomatic representatives of Indonesia/East Timor accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 14 January 1993.

— Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

— Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

— The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

— Copies of appeals should be sent to relevant diplomatic representatives in your country.

— In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

— Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.